

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

IN RE GENETICALLY MODIFIED ) Case No. 4:06MD1811 CDP  
RICE LITIGATION ) ALL CASES

**CASE MANAGEMENT ORDER No. 18**

For the reasons discussed on the record at the August 27, 2009 telephone conference and set forth in the parties joint motion to modify certain deadlines,

**IT IS HEREBY ORDERED** that:

1. The joint motion to modify deadlines [#1483] is granted.
2. **Motion for Common Benefit Fund:** Any opposition to the plaintiffs' motion for common benefit fund must be filed no later than **September 17, 2009**. Any reply brief must be filed no later than **October 5, 2009**.
3. **First Bellwether Trial:** The first bellwether trial, which will begin on **November 2, 2009** will be of the Missouri cases involving the plaintiffs associated with Kenneth Bell and J. H Hunter Farms. Motions in limine for this trial must be filed no later than **October 15, 2009**, and any responses to those motions in limine must be filed no later than **October 22, 2009**.
4. **Second Bellwether Trial:** The second bellwether trial will begin on **January 11, 2010**. This trial will include the plaintiffs associated with Jim Penn and Jerry and Donna Catt of Arkansas and the plaintiffs associated with Gary Goode and Black Dog Planting Company of Mississippi. The first portion of the parties' pretrial submissions (including motions in limine) will be due by **December 9, 2009**. The second pretrial submissions are due on **December 17, 2009**. A final pretrial conference will be held in Courtroom 14 South on **January 7, 2010** at 10:00 a.m.

5. **Dispositive and *Daubert* Motions for Second Bellwether Trial:** For the second bellwether trial, set to begin **January 11, 2010**, the parties must file any motions for summary judgment or motions to exclude or limit expert testimony under *Daubert* or for any other reason (except as set forth below) by **October 15, 2009**. Briefs in opposition to motions must be filed by **November 13, 2009**, and reply briefs must be filed by **November 30, 2009**. For motions to exclude or limit expert testimony under *Daubert* or for any other reason relating to the Bayer Defendants' individual damages experts only, motions must be filed by **October 22, 2009**. Briefs in opposition must be filed by **November 13, 2009**, and any reply briefs must be filed by **November 30, 2009**.



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CATHERINE D. PERRY  
UNITED STATES DISTRICT JUDGE

Dated this 1st day of September, 2009.